

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Aug 26, 2020**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SHAYN HALE,

Petitioner,

v.

SCOTT SOUZA and ROBERT  
FERGUSON,

Respondents.

NO: 4:20-CV-5091-RMP

ORDER SUMMARILY DISMISSING  
HABEAS ACTION

By Order filed July 22, 2020, the Court granted Petitioner leave to proceed *in forma pauperis* and directed him to show cause why his *pro se* Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 should not be dismissed due to Petitioner's failure to exhaust state court remedies and as a proper exercise of abstention under *Younger v. Harris*, 401 U.S. 37 (1971). ECF No. 7. Petitioner filed this action while a pretrial detainee at the Benton County Jail. A copy of the Order was mailed to Petitioner at the Benton County Jail, but returned as

ORDER SUMMARILY DISMISSING HABEAS ACTION -- 1

1 undeliverable on August 4, 2020. *See* ECF No. 8. Petitioner has not kept the  
2 Court apprised of his current address and has filed nothing further in this action.

3 For the reasons set forth above and in the Order to Show Cause, ECF No. 7,  
4 the Court finds it appropriate to dismiss this action without prejudice for failure to  
5 exhaust state court remedies. Because it plainly appears that Petitioner is not  
6 entitled to relief in this Court at this time, **IT IS ORDERED** that the petition, ECF  
7 No. 1, is **DISMISSED** pursuant to Rule 4, Rules Governing Section 2254 Cases in  
8 the United States District Courts.

9 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
10 Order, enter judgment, provide copies to Petitioner, and **close the file**. The Court  
11 certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could  
12 not be taken in good faith, and there is no basis upon which to issue a certificate of  
13 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of  
14 appealability is therefore **DENIED**.

15 **DATED** August 26, 2020.

16  
17 *s/ Rosanna Malouf Peterson*  
18 ROSANNA MALOUF PETERSON  
19 United States District Judge  
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